



April 26, 2016

VIA ECF

Hon. Nicholas G. Garaufis
U.S. District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Delgado v. Ocwen et al, 1:13-CV-4427, Request for Pre-Motion Conference

Dear Judge Garaufis:

Our firm represents Cross Country Home Services, Inc., and Sandra Finn (collectively, the "Cross Country Defendants"), in the above-captioned matter. We are writing to request a pre-motion conference, pursuant to Rule III(A)(2) of your individual rules, regarding a Motion to Strike Plaintiff's Notice of Supplemental Authority, filed on April 25, 2016. Alternatively, we are attaching a copy of our proposed Motion to Strike to this letter, and request that the requirement for a pre-motion conference be set-aside in order to timely consider the implications of Plaintiffs' unauthorized filing.

Plaintiffs' Notice of Supplemental Authority is nothing more than a supplemental brief in opposition to Cross Country Defendants' motion to compel arbitration, which has been fully-briefed for seven months. Plaintiffs failed to seek permission from the Court to file this Notice, and further have used the Notice to improperly inject a series of inadmissible documents and opinion testimony into an argument based on facts that Plaintiffs failed to refute in their original opposition.

Pursuant to Rule III(A)(2) of your individual rules, Cross Country Defendants have briefly described the basis for the relief it seeks, but expressly reserve the right to make additional and more detailed arguments if further briefing is ordered. Cross Country Defendants respectfully request a pre-motion conference, or in the alternative, that the Court consider



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the Motion to Strike attached hereto without requiring the presence of the parties prior to filing.

Respectfully submitted,

/s/ Jason W. McElroy

Jason W. McElroy

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Cc: All counsel of record (via CM/ECF)